

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Pekka Juhana PIHLAJA

Serial No.: 09/988,740

Filed: November 20, 2001

For: FORM FACTOR FOR PORTABLE  
DEVICE

Atty. Docket No.: 004770.00028

Group Art Unit: 2674

Examiner: Henry N. Tran

Confirmation No.: 8949

DECLARATION UNDER 37 C.F.R. § 1.131

The Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Pekka Juhana PIHLAJA, hereby declare that:

- 1) I am the sole inventor of the above-captioned application;
- 2) Prior to April 30, 2001, the filing date of U.S. Pat. Appl. Publ. No. 2002/0158838 A1 (hereinafter "Smith"), I conceived of the invention recited in claims 28 and 30 of the above-captioned application, at least to the extent the claims are allegedly taught by Smith, and diligently pursued constructive reduction to practice in the form of a patent application filed with the United States Patent & Trademark Office.
- 3) Prior to April 30, 2001, I developed and submitted an invention report to the Nokia Internal Patent Committee for A New Form Factor for the Communicator, a copy of which is attached as Exhibit A. The dates redacted from the invention report in Exhibit A are prior to April 30, 2001. The block redaction on page 3 of Exhibit A redacts information irrelevant to establishing a prior date of invention.

Serial No. 09/988,740

- 2 -

Atty. Dkt. No. 004770.00028

- 4) The invention report in attached Exhibit A illustrates conception of at least independent claim 28.
- 5) Also prior to April 30, 2001, I developed and submitted an invention report to the Nokia Internal Patent Committee for an Input Method for Pocket Sized Terminals, a copy of which is attached as Exhibit B. The dates redacted from the invention report in Exhibit B are prior to April 30, 2001.
- 6) The invention report in attached Exhibit B illustrates conception of at least independent claim 30.
- 7) Upon completion of the invention reports attached as Exhibits A and B, I continued work on the development of my invention and prepared a third invention report, a copy of which is attached as Exhibit C. The invention report of Exhibit C was submitted to the Nokia Internal Patent Committee at least as early as May 29, 2001, as evidenced in Exhibit C.
- 8) The date of October 15, 2001 found on various pages of Exhibit C is the date Nokia's outside patent attorney, referred to below, printed the invention report from a softcopy version of the invention report transmitted by the Nokia Internal Patent Committee to the outside patent attorney. The block redaction on page 4 of Exhibit C redacts information irrelevant to establishing a prior date of invention.
- 9) The Internal Patent Committee evaluates and processes received invention reports on a first come-first serve basis. After receiving an invention report, the Internal Patent Committee performs a patent search for relevant prior art in order to facilitate the patent filing decision. If a decision is made to proceed with the

Serial No. 09/988,740

- 3 -

Atty. Dkt. No. 004770.00028

preparation of a patent application based on the invention report, the invention is assigned a rating from 0 to 5 based on the potential value of a resulting patent, and an instruction letter is sent to an outside counsel, with the invention report, requesting preparation of a patent application for the invention.

- 10) After its in-turn review and analysis by the Internal Patents Committee, the disclosure document attached as Exhibit C was sent to Nokia's outside patent attorney, Mr. Bradley C. Wright of the law firm Banner & Witcoff, Ltd., on October 15, 2001, as evidenced by an email communication, the first page of which is attached as Exhibit D.
- 11) On November 2, 2001, Ross Dannenberg (also an attorney with Banner & Witcoff, Ltd.) sent a draft of the above-captioned patent application to my employer for my review. A copy of the email communicating the draft is attached as Exhibit E.
- 12) On November 12, 2001 Ross Dannenberg sent a revised draft of the above-captioned patent application. A copy of the email communicating the revised draft is attached as Exhibit F.
- 13) On November 20, 2001, the above-captioned patent application was filed in the U.S. Patent and Trademark Office.
- 14) The submission of the invention reports to the Nokia Internal Patent Committee and exchange of draft applications with my patent attorney demonstrates diligence from before April 30, 2001 until the filing of the above-captioned patent application and the constructive reduction to practice of our invention.

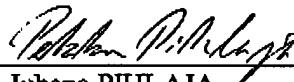
Serial No. 09/988,740

- 4 -

Atty. Dkt. No. 004770.00028

- 15) All acts referred to in this Declaration were performed either in the United States, or in a WTO member country;
- 16) The attached Exhibits have not been altered since they were originally submitted to the Patent Committee or otherwise prepared or communicated. Marginalia on any exhibit was written contemporaneously with the original receipt of transmission of the respective exhibit; and
- 17) I declare under penalty of perjury under the law of the United States of America that statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Pekka Juhana PIHLAJA

Helsinki October 4th, 2004  
Date